

**RECEIVED**

**OCT 18 2004**

**PUBLIC SERVICE  
COMMISSION**

**CASE NO. 2004-00249**

**GREEN TOWER  
SITE**

**ELLIOTT COUNTY, KENTUCKY**

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**RECEIVED**

OCT 18 2004

PUBLIC SERVICE  
COMMISSION

In the matter of:

THE APPLICATION OF EAST KENTUCKY NETWORK )  
LIMITED LIABILITY COMPANY FOR THE ISSUANCE )  
OF A CERTIFICATE OF PUBLIC CONVENIENCE AND ) CASE No 2004-00249  
NECESSITY TO CONSTRUCT A TOWER IN ELLIOTT )  
COUNTY, KENTUCKY).

In case number 91-002 East Kentucky Network, LLC, formerly Mountaineer Cellular Limited Liability Company was granted a Certificate of Public Convenience and Necessity by the Kentucky Public Service Commission to construct and operate a cellular radio telecommunications system for KY RSA 9 and KY RSA 10.

In an effort to improve service in Elliott County, East Kentucky Network, LLC Pursuant to KRS 278.020 Subsection 1 and 807 KAR 5:001 Section 9 is seeking the Commission's approval to construct a tower in Elliott County, Kentucky.. The proposed tower will be a 300 foot self-supporting tower located near Green, Kentucky (: 38 °08' 14.7" N / : 83 °01' 54.4"W). A map and detailed driving directions to the site can be found in Exhibit 8.

East Ky Network LLC merger documents were filed with the Commission on February 2, 2001 in Case # 2001-022.

FAA and Kentucky Airport Zoning Commission approvals have been applied for but are still pending. Final approvals will be submitted to the commission at a later date. These applications are enclosed as Exhibit 4 and 6.

No Federal Communications Commission approval is required prior to construction of this facility. Once service is established from this tower we must immediately notify the Federal Communications Commission of its operation. Prior approval is needed only if the proposed facility increases the size of the cellular geographic service area. This cell site will not expand the cellular geographic service area.

A geologist was employed to determine soil and rock types and to ascertain the distance to solid bedrock. The geotechnical report is enclosed as Exhibit 3.

A copy of the tower design information is enclosed as Exhibit 5. The proposed tower has been designed by engineers at Universal Tower Inc. of Henderson, KY and will be constructed under their supervision. Their qualifications are evidenced in Exhibit 5 by the seal and signature of the registered professional engineer responsible for this project.

The tower will be erected by A & D Communication of Cattlesburg, Kentucky. A & D has vast experience in the erection of communications towers.

Enclosed, and should be filed with Exhibit 10, back of folder, is a survey of the proposed tower site signed by a Kentucky registered professional engineer. There is no structure within 500 feet of the proposed tower as indicated in this enclosure. Exhibit 2 is a list of all Property owners or residents within 500' of the proposed tower. No other properties are contiguous with East Kentucky's property.

Exhibit 10, back of folder, contains a vertical sketch of the tower by Coleman Engineering..

Pursuant to 807 KAR5:063 Sections 1 (1) : all affected property owners according to the property valuation administrator's record who reside or own property within 500 feet of the proposed Tower were notified by certified mail return receipt requested of East Kentucky Network, LLC's proposed construction and informed of their right to intervene. They were given the docket number under which this application is filed. Enclosed in Exhibit 2 is a copy of that notification.

Elliott County has no formal local planning unit. In absence of this unit the Elliott County Judge Executive's office was notified by certified mail, return receipt requested of East Kentucky Network Limited Liability Company's proposal and informed of their right to intervene. They were given the docket number under which this application is filed. Enclosed in Exhibit 1 is a copy of that notification.

East Kentucky Network, LLC will finance the subject Construction with earned surplus in its General Fund.

Estimated Cost of Construction	140, 000.00
Annual Operation Expense of Tower	12,500.00

A sign 24" X 48" which conforms to the Public Service Commissions guidelines issued on September 3, 1997 was posted on the site on October 8, 2004 and will remain posted for at least two weeks after filing of this application as specified by the PSC guidelines. A second such sign was posted at the nearest public road, and will remain posted two weeks after this filing.

Enclosed in Exhibit 9 is a copy of East Kentucky Network LLC's deeds to the site.

Notice of the location of the proposed construction was published on the third week and on the fourth week of October in the Elliott County News. Enclosed is a copy of that notice in Exhibit 1. The Elliott County News is the newspaper with the largest circulation in Elliott County.

The proposed construction site is on a very rugged mountaintop some feet from the nearest structure. Prior to construction the site was wooded.

Due to the steep hillside surrounding the proposed site, the property in close proximity is unsuitable for any type of development. East Kentucky Network LLC's operation will not affect the use of nearby land nor its value. No more suitable site exists in the area. A copy of the search area map is enclosed in Exhibit 8. No other tower capable of supporting East Kentucky Network LLC's load exists in the general area; therefore, there is no opportunity for co-location of our facilities with anyone else.

The foregoing document was prepared by Janice Robinson, Accounting Department, East Kentucky Network d/b/a Appalachian Wireless. All related questions or correspondence concerning this filing should be mailed to Michael Huffman, Controller, East Kentucky Network, P. O. Box 405, Prestonsburg, KY 41653.

APPROVED BY: Michael Huffman Date: 10/15/04  
Michael Huffman, Controller

**Phone: (606) 791-2375, Ext. 164**

**Email: (mhuffman@ekn.com)**

Michael Huffman, Controller

East Kentucky Network, LLC.

355 Village Drive, P. O. Box 405

Prestonsburg, KY 41653

**EAST KENTUCKY NETWORK, LLC  
d/b/a APPALACHIAN WIRELESS**

**GREEN TOWER SITE**

**CASE # 2004-00249**

**ELLIOTT COUNTY, KENTUCKY**

**EXHIBIT**

**ITEM**

- |     |   |
|-----|---|
| 1.  | Notification/Response from County   |
| 2.  | Copies of Cell Site Notices   |
| 3.  | Core Drilling Analysis  |
| 4.  | Kentucky Airport Zoning Commission<br>Application                                     |
| 5.  | Tower Design  |
| 6.  | FAA Notice of Proposed Construction   |
| 7.  | 2003 Audited Financial Statements   |
| 8.  | Maps to Suitable Scale  |
| 9.  | Deed of Conveyance or Lease Agreement for<br>the Proposed Tower Site Property         |
| 10. | Survey of Site signed and sealed by a<br>Professional Engineer Registered in Kentucky |



EAST KENTUCKY NETWORK  
POST OFFICE BOX 405  
PRESTONSBURG, KY 41653  
PHONE: (606)886-6007  
X: (606)886-0206  
INFO@EKN.COM  
WWW.EKN.COM

EAST KENTUCKY  
NETWORK



VIA: U.S. CERTIFIED MAIL

October 14, 2004

Charles Pennington  
Elliott County Judge Executive  
County Courthouse  
P. O. Box 710  
Sandy Hook, KY 41171-0710

Phone (606) 738-5821

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2004-00249)

East Kentucky Network, LLC d/b/a Appalachian Wireless has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide cellular telecommunications service. The facility will include a 300 foot self supported tower, with attached antennas extending upwards, and an equipment shelter to be located near Green (Elliott), KY. The site is located on Locust Knob, approximately 2.37 miles east of Green. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you are the County Judge Executive of Elliott County.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. The Commission must receive your initial communication within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, P.O. Box 615, Frankfort, KY 40602. Please refer to Case No. 2004-00249 in your correspondence.

Sincerely,

Michael Huffman, CPA  
Accounting Manager  
enclosure

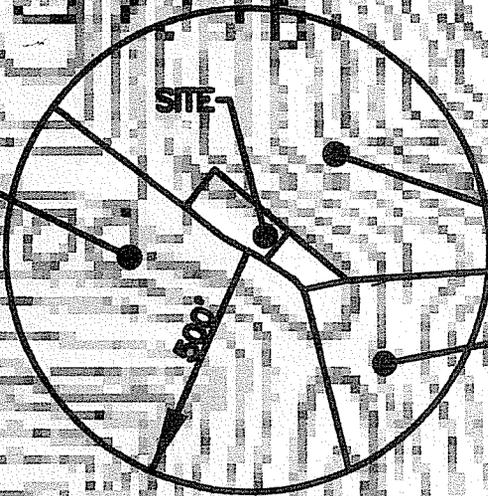


# LAUREL KNOB

GARY PERKINS  
DEED BOOK 82 PAGE 817

STANLEY MAGGARD  
DEED BOOK 89 PAGE 138

TERRY KINZER et al  
DEED BOOK 66 PAGE 78



### ADDRESSES

GARY PERKINS  
2615 OAK HILL LANE  
ASHLAND, KY 41102

STANLEY MAGGARD  
RT. 1 BOX 544J  
SANDY HOOK, KY 41171

TERRY KINZER  
BOX 2786  
PIKEVILLE, KY 41501

**THIS IS NOT A PROPERTY MAP  
DO NOT FILE**



DATE: 7/16/04	PROJ. # 3010A
SCALE: 1"	EDITED BY: JBC
DRAWN BY: DMP	SHEET: 1 OF 1



**CURD SURVEYING &  
LAND CONSULTING, INC.**

821 EAST MAIN STREET  
MOREHEAD, KENTUCKY 40351  
(606) 784 - 3299

450 PRESTONSBURG STREET  
WEST LIBERTY, KENTUCKY 41472  
(606) 743 - 1269

CELL SITE  
**PERKINS-MAGGARD-KINZER**  
ADJACENT OWNERS  
FOR APPALACHIAN WIRELESS  
COPPERHEAD ROAD  
ELLIOTT CO., KENTUCKY

d/b/a Appalachian Wireless  
P.O. Box 405  
355 Village Drive  
Prestonsburg, KY 41653  
Phone: 606/886-6007  
Fax: 606/791-2225

EAST KENTUCKY  
NETWORK



**Fax**

**To:** ELLIOTT COUNTY NEWS

**From:** JANICE ROBINSON

ATT: EARL

**Fax:**

743-3565  
743-3554

**Phone:**

606-791-2375, Ext. 166

**Phone:**

606-738-5574

**Pages:**

Pages (INCLUDING COVER)

**Re:**

PUBLIC NOTICE ADVERTISEMENT

**CC:**

We would like to have the following public notice printed in The Elliott County News for the next two weeks. The notice should state the following:

**PUBLIC NOTICE:**

**RE: Public Service Commission of Kentucky (CASE NO. 2004-00249)**

Notice is hereby given that East Kentucky Network, LLC, dba Appalachian Wireless has applied to the Kentucky Public Service Commission to construct a tower near Green in Elliott County, Kentucky. The proposed tower will be a 300-foot self-supporting tower. The proposed tower site is located on Locust Knob, approximately 2.37 miles east of Green.

If you would like to respond to this notice, please contact the Executive Director, Public Service Commission, 211 Sower Boulevard, P o Box 615, Frankfort, Kentucky 40602. Please refer to Case No. 2004-00249.

If you have questions about the placement of the above mentioned notice, please call me at 606-791-2375, ext. 166.

Thank you,

*Janice Robinson*

**Accounting Department** If you have any problems with this fax, please call 606/886-6007.

The message above and the information contained in the documents transmitted are confidential and intended only for the person(s) named above. Dissemination, distribution or copying of this communication by anyone other than the person(s) named above is prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address listed above via regular mail. Thank you.



LIST OF PROPERTY OWNERS

GREEN TOWER SITE

(WITHIN 500 FEET)

GARY PERKINS  
2615 OAK HILL LANE  
ASHLAND, KY 41102

STANLEY MAGGARD  
RT. 1 BOX 544J  
SANDY HOOK, KY 41171

TERRY KINZER  
BOX 2786  
PIKEVILLE, KY 41501

EAST KENTUCKY NETWORK  
POST OFFICE BOX 405  
PRESTONSBURG, KY 41653  
PHONE: (606)886-6007  
FAX: (606)886-0206  
INFO@EKN.COM  
WWW.EKN.COM

EAST KENTUCKY  
NETWORK



VIA: U.S. CERTIFIED MAIL

CELL SITE  
PUBLIC NOTICE

October 15, 2004

Terry Kinzer  
Box 2786  
Pikeville, KY 41501

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2004-00249)

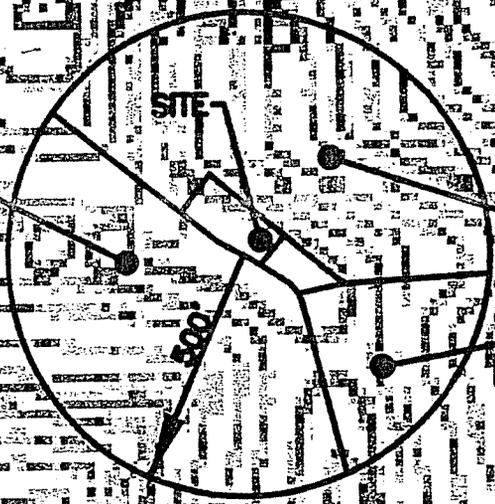
East Kentucky Network, LLC d/b/a Appalachian Wireless has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new facility to provide cellular telecommunications service. The facility will include a 300-foot self-supported tower, with attached antennas extending upwards, and an equipment shelter to be located on Locust Knob, approximately 2.37 miles east of Green in Elliott County Kentucky. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you own property or reside within a 500' radius of the proposed tower.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. The Commission must receive your initial communication within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, P.O. Box 615, Frankfort, KY 40602. Please refer to Case No. 2004-00249 in your correspondence.

Sincerely,

Michael Huffman, CPA  
Accounting Manager  
enclosure



GARY PERKINS  
DEED BOOK 82 PAGE 817

STANLEY MAGGARD  
DEED BOOK 89 PAGE 138

TERRY KINZER et al  
DEED BOOK 65 PAGE 76

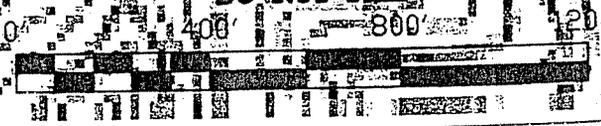
ADDRESSES

GARY PERKINS  
2615 OAK HILL LANE  
ASHLAND, KY 41002

STANLEY MAGGARD  
Rt. 1 BOX 544  
SANDY HOOK, KY 41077

TERRY KINZER  
BOX 2786  
PIKEVILLE, KY 41501

**THIS IS NOT A PROPERTY MAP.  
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DATE: 7/16/04	PROJ. # 3010A
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DRAWN BY: DMP	SHEET: 1 OF 1



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MOREHEAD, KENTUCKY 40351  
(606) 784 - 3299

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WEST LIBERTY, KENTUCKY 41472  
(606) 743 - 1269

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FOR APPALACHIAN WIRELESS  
COPPERHEAD ROAD  
ELLIOTT CO., KENTUCKY

EAST KENTUCKY NETWORK  
POST OFFICE BOX 405  
PRESTONSBURG, KY 41653  
PHONE: (606)886-6007  
FAX: (606)886-0206  
EMAIL: INFO@EKN.COM  
WEBSITE: EKN.COM

EAST KENTUCKY  
NETWORK



VIA: U.S. CERTIFIED MAIL

CELL SITE  
PUBLIC NOTICE

October 15, 2004

Stanley Maggard  
Rt. 1 Box 544J  
Sandy Hook, KY 41171

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2004-00249)

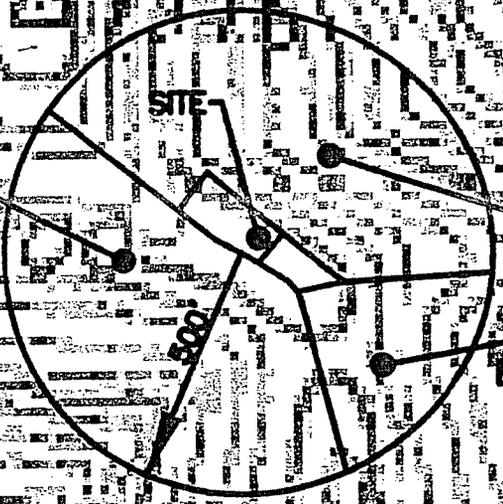
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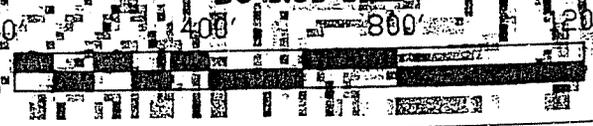
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2615 OAK HILL LANE  
ASHLAND, KY 41702

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COPPERHEAD ROAD  
ELLIOTT CO., KENTUCKY

EAST KENTUCKY NETWORK  
POST OFFICE BOX 405  
PRESTONSBURG, KY 41653  
PHONE: (606)886-6007  
FAX: (606)886-0206  
E-MAIL: INFO@EKN.COM  
WWW: EKN.COM

EAST KENTUCKY  
NETWORK



VIA: U.S. CERTIFIED MAIL

CELL SITE  
PUBLIC NOTICE

October 15, 2004

Gary Perkins  
2615 Oak Hill Lane  
Ashland, KY 41102

RE: Public Notice-Public Service Commission of Kentucky (Case No. 2004-00249)

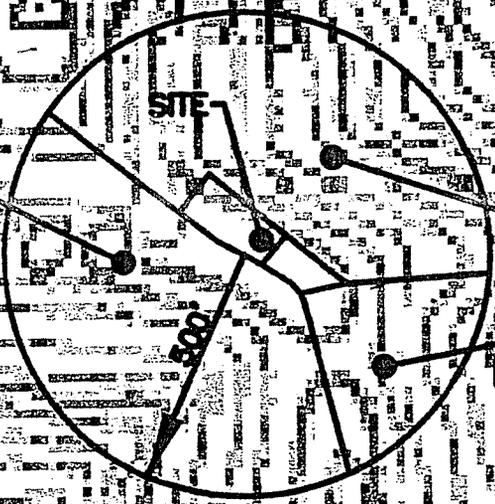
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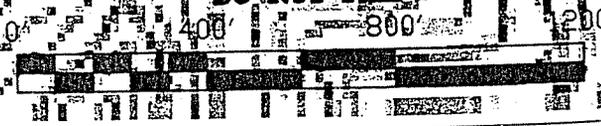
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ADJACENT OWNERS  
FOR APPALACHIAN WIRELESS  
COPPERHEAD ROAD  
ELLIOTT CO., KENTUCKY



**WENDELL R. HOLMES, P.G.**  
**139 Wabaco Circle Road**  
**Hazard, KY 41701**  
**(606) 435-8100**

June 27, 2004

Green Tower Site

Purpose:

A site assessment was conducted for Appalachian Wireless on a tract of land located in Elliott County near Sandy Hook, Kentucky. The site of the proposed tower is now forestland. The purpose of this investigation was to determine the depth to bedrock and of what type of rock the bedrock consists.

Site Investigation:

The trenching method was used to determine the type of bedrock material at the proposed tower site. A Caterpillar Backhoe was used to expose the bedrock material. It is approximately 1.25 feet to the sandstone bedrock. (See attached page for descriptions of materials encountered.)

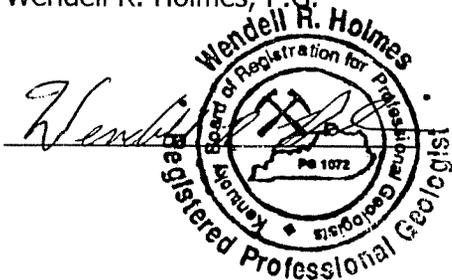
The terrain in Elliott County is moderately to very steep. The tower site is located on a ridgeline between Rose Creek and Bruin Creek, both being tributaries of the Little Sandy River, approximately three miles east of Green in Elliott County. The sandstone formation below the tower site is approximately thirty feet thick, based on the information obtained from the site investigation and geological maps of the area.

Conclusions:

The proposed tower site is located on a ridge in the area. The sandstone bedrock on the proposed tower site is part of the Breathitt Formation, and is middle to lower Pennsylvanian in age. Tests were not conducted to determine the load-bearing strength of the bedrock. However, it is apparent that the tower will be constructed on the sandstone bedrock formation.

The field work for this site was performed by Wendell R. Holmes, using generally accepted methods in the practice of geological science.

Wendell R. Holmes, P.G.



**WENDELL R. HOLMES, P.G.**  
**139 Wabaco Circle Road**  
**Hazard, KY 41701**  
**(606) 435-8100**

## **Geologist Log**

Location: Green Tower Site

Unit Thickness	Total depth	Strata	Description
1.25'	1.25'	Soil	Brown, Yellow, Sandy, Plant Fragments
1.50'	2.75'	Sandstone	Brown, Weathered
30.00'	32.75'	Sandstone	Gray and Brown





Kentucky Airport Zoning Commission  
200 Mero Street  
Frankfort, KY 40622

(502) 564-4480  
Fax: (502) 564-7953  
No.: AS-032-212-04-163

September 13, 2004

APPROVAL OF APPLICATION

APPLICANT:  
EAST KENTUCKY NETWORK, LLC  
LEROY ADAM, CONSULTING ENGINEER  
C/O LUKAS NACE GUTIERREZ & SACHS  
1111 NINETEENTH STREET N W SUITE 1200  
WASHINGTON, DC 20036

SUBJECT: AS-032-212-04-163

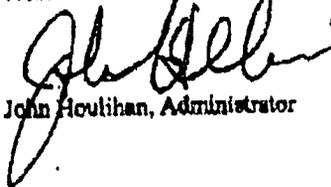
STRUCTURE: Antenna Tower  
LOCATION: Green/Bruin, KY  
COORDINATES: 38-08-14.7 N / 83-01-54.4 W  
HEIGHT: 325'AGL/1545'AMSL

The Kentucky Airport Zoning Commission has approved your application for a permit to construct 325'AGL/1545'AMSL Antenna Tower near Green/Bruin, KY 38-08-14.7 N / 83-01-54.4 W.

This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit.

A copy of the approved application is enclosed for your files.

Dual obstruction lighting is required in accordance with 602 KAR 50:100.

  
John Houlahan, Administrator

tc5650

RECEIVED JUL 16 2004

Page 1 of 1

TC 09-002 (Rev. 01)

INSTRUCTIONS INCLUDED

Kentucky Transportation Cabinet, Kentucky Airport Zoning Commission, 125 Hobbes Street, Frankfort, KY 40622

Kentucky Aeronautical Study Number 1703

APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE

AS-032-212-04-163

1. APPLICANT - Name, Address, Telephone, Fax, etc. East Kentucky Network, LLC c/o Lukes, Nace, Guzman & Sachs, Chfd. 1111 16th Street N.W., Suite 1200 Washington D.C. 20036 Tel: 202-857-3500 Fax: 202-828-8405

9. Latitude: 38° 08' 14" 7" 10. Longitude: 83° 01' 58" 4" 11. Deturb: [X] NAD83 [X] NAD27 [ ] Other 12. Nearest Kentucky City: Green County: Elliot

2. Representative of Applicant - Name, Address, Telephone, Fax LaRoy A. Adam Lukes, Nace, Guzman & Sachs, Chfd. 1111 16th Street N.W., Suite 1200 Washington D.C. 20036 Tel: 202-828-8489 Fax: 202-828-8405

13. Nearest Kentucky public use or Military street: Other HW - Sellars Field Airport (212) 14. Distance from #13 to Structure: 10.0 mi. 15. Direction from #13 to Structure: SE 16. Site Elevation (AMSL): 1,720.00 Feet

3. Application for: [X] New Construction [ ] Alteration [ ] Existing 4. Duration: [X] Permanent [ ] Temporary (Months: Days: ) 5. Work Schedule: Start: AUGUST 23, 2004 End: AUGUST 30, 2004 6. Type: [X] Antenna Tower [ ] Crane [ ] Building [ ] Power Line [ ] Landfill [ ] Water Tank [ ] Other

17. Total Structure Height (AOL): 325.00 Feet 18. Overall Height (#16 + #17) (AMSL): 1,545.00 Feet 19. Previous FAA and/or Kentucky Aeronautical Study Number(s):

7. Marking/Painting and/or Lighting Preferred: [X] Red Lights and Paint [ ] Dual - Red & Medium Intensity White [ ] White - Medium Intensity [ ] Dual - Red & High Intensity White [ ] White - High Intensity [ ] Other 8. FAA Aeronautical Study Number: TBD

20. Description of Location: (Attach USGS 7.5 minute Quadrangle Map or an Airport layout Drawing with the precise site marked and any certified survey) Site is on Locust Knob, 2.37 mi. east of Green (Elliot) KY.

21. Description of Proposal: The 325-foot communication tower includes a 300-foot guyed support structure plus a 25-foot high antenna/lightning rod for operation of a Band B Cellular base station. The Antenna is omni-directional (beamwidth 360°) with the maximum ERP at 150 Watts.

22. Has a "NOTICE OF CONSTRUCTION OR ALTERATION" (FAA Form 7460-1) been filed with the Federal Aviation Administration? [ ] No [X] Yes, when July 14, 2004

CERTIFICATION: I hereby certify that all the above statements made by me are true, complete and correct to the best of my knowledge and belief. LaRoy A. Adam July 14, 2004

PENALTIES: Persons failing to comply with Kentucky Revised Statutes (KRS 183.891 through 183.896) and Kentucky Administrative Regulations (602 KAR 080-Series) are liable for fines and/or imprisonment as set forth in KRS 183.896(3). Non-compliance with Federal Aviation Administration Regulations may result in further penalties.

Commission Action: [ ] Chairman, KAZC [X] Administrator, KAZC [X] Approved [ ] Disapproved John Hulligan 9-13-04

LUKAS, NACE, GUTIERREZ & SACHS

CHARTERED  
1111 NINETEENTH STREET, N.W.  
SUITE 1200  
WASHINGTON, D.C. 20036  
(202) 857-3500

RUSSELL D. LUKAS  
DAVID L. NACE  
THOMAS GUTIERREZ  
ELIZABETH R. SACHS  
GEORGE L. LYON, JR.  
JOEL R. KASWELL  
PAMELA L. GIST  
DAVID A. LAFURIA  
MARILYN SUCHECKI MENSE  
B. LYNN F. RATNAVALE  
TODD SLAMOWITZ  
DAVID M. BRIGLIA  
STEVEN M. CHERNOFF

+ NOT ADMITTED IN D.C.

CONSULTING ENGINEERS  
ALI KUZEKCANANI  
LEROY A. ADAM  
LEILA REZANAVAZ  
—  
OF COUNSEL  
JOHN J. MCAVOY  
J.K. HAGE III+  
LEONARD S. KOLSKY+  
HON. GERALD S. MCGOWAN

TELECOPIER  
(202) 857-5747

<http://www.fcclaw.com>

WRITER'S DIRECT DIAL

(202) 828-9489

TELECOPIER

(202) 828-8405

July 14, 2004

Via U.S. Mail

Kentucky Airport Zoning Commission  
200 Mero Street  
Frankfort, KY 40622

Attention: Mr. John Houlihan, Administrator

Dear Mr. Houlihan:

Forwarded herewith in accordance with KRS 183.990 and Chapter 50 of Title 602 of the Kentucky Administrative Regulations, is an "Application for Permit to Construct or Alter a Structure" (Form TC 56-50) for a communications support structure proposed near Green (Elliott), KY. The site is located on Locust Knob, approximately 2.37 miles east of Green.

A copy of the FAA flight safety determination will be provided to you upon its receipt.

Should you have any questions, please do not hesitate to call the undersigned.

Thank you for your consideration in this matter.

Sincerely,

  
LeRoy A. (Art) Adam  
Consulting Engineer

cc: East Kentucky Network, LLC  
Attention: Gerald Robinette  
Marty Thacker

INSTRUCTIONS INCLUDED

TC 56-50E (Rev. 0E

Kentucky Transportation Cabinet, Kentucky Airport Zoning Commission, 125 Holmes Street, Frankfort, KY 40622

Kentucky Aeronautical Study Number

APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE

1. APPLICANT - Name, Address, Telephone, Fax, etc.

East Kentucky Network, LLC
c/o Lukas, Nace, Gutierrez & Sachs, Chtd.
1111 19th Street N.W., Suite 1200
Washington D.C. 20036
Tel: 202-857-3500 Fax: 202-828-8405



9. Latitude: 38 ° 08 ' 14 . 7 "

10. Longitude: 83 ° 01 ' 54 . 4 "

11. Datum: [ ] NAD83 [x] NAD27 [ ] Other

12. Nearest Kentucky City: Green County: Elliott

13. Nearest Kentucky public use or Military airport: Olive Hill - Sellers' Field Airport (2I2)

14. Distance from #13 to Structure: 10.0 mi.

15. Direction from #13 to Structure: SE

16. Site Elevation (AMSL): 1,220.00 Feet

17. Total Structure Height (AGL): 325.00 Feet

18. Overall Height (#16 + #17) (AMSL): 1,545.00 Feet

19. Previous FAA and/or Kentucky Aeronautical Study Number(s):

20. Description of Location: (Attach USGS 7.5 minute Quadrangle Map or an Airport layout Drawing with the precise site marked and any certified survey)

Site is on Locust Knob, 2.37 mi. east of Green (Elliott) KY.



2. Representative of Applicant - Name, Address, Telephone, Fax

LeRoy A. Adam
Lukas, Nace, Gutierrez & Sachs, Chtd.
1111 19th Street N.W., Suite 1200
Washington D.C. 20036
Tel: 202-828-9489 Fax: 202-828-8405



3. Application for: [x] New Construction [ ] Alteration [ ] Existing

4. Duration: [x] Permanent [ ] Temporary (Months Days)

5. Work Schedule: Start August 23, 2004 End August 30, 2004

6. Type: [x] Antenna Tower [ ] Crane [ ] Building [ ] Power Line
[ ] Landfill [ ] Water Tank [ ] Other

7. Marking/Painting and/or Lighting Preferred:

[ ] Red Lights and Paint [x] Dual - Red & Medium Intensity White
[ ] White - Medium Intensity [ ] Dual - Red & High Intensity White
[ ] White - High Intensity [ ] Other

8. FAA Aeronautical Study Number: TBD

21. Description of Proposal:

The 325-foot communication tower includes a 300-foot guyed support structure plus a 25-foot high antenna/lightning rod for operation of a Band B Cellular base station. The Antenna is omni-directional ( beamwidth 360° ) with the maximum ERP at 150 Watts.



22. Has a "NOTICE OF CONSTRUCTION OR ALTERATION" (FAA Form 7460-1) been filed with the Federal Aviation Administration?

[ ] No [x] Yes, When July 14, 2004

CERTIFICATION: I hereby certify that all the above statements made by me are true, complete and correct to the best of my knowledge and belief.

LeRoy A. (Art) Adam
Printed Name and Title

Signature of LeRoy A. Adam

July 14, 2004
Date

PENALTIES: Persons failing to comply with Kentucky Revised Statutes (KRS 183.861 through 183.990) and Kentucky Administrative Regulations (602 KAI 050:Series) are liable for fines and/or imprisonment as set forth in KRS 183.990(3). Non-compliance with Federal Aviation Administration Regulations may result in further penalties.

Commission Action:

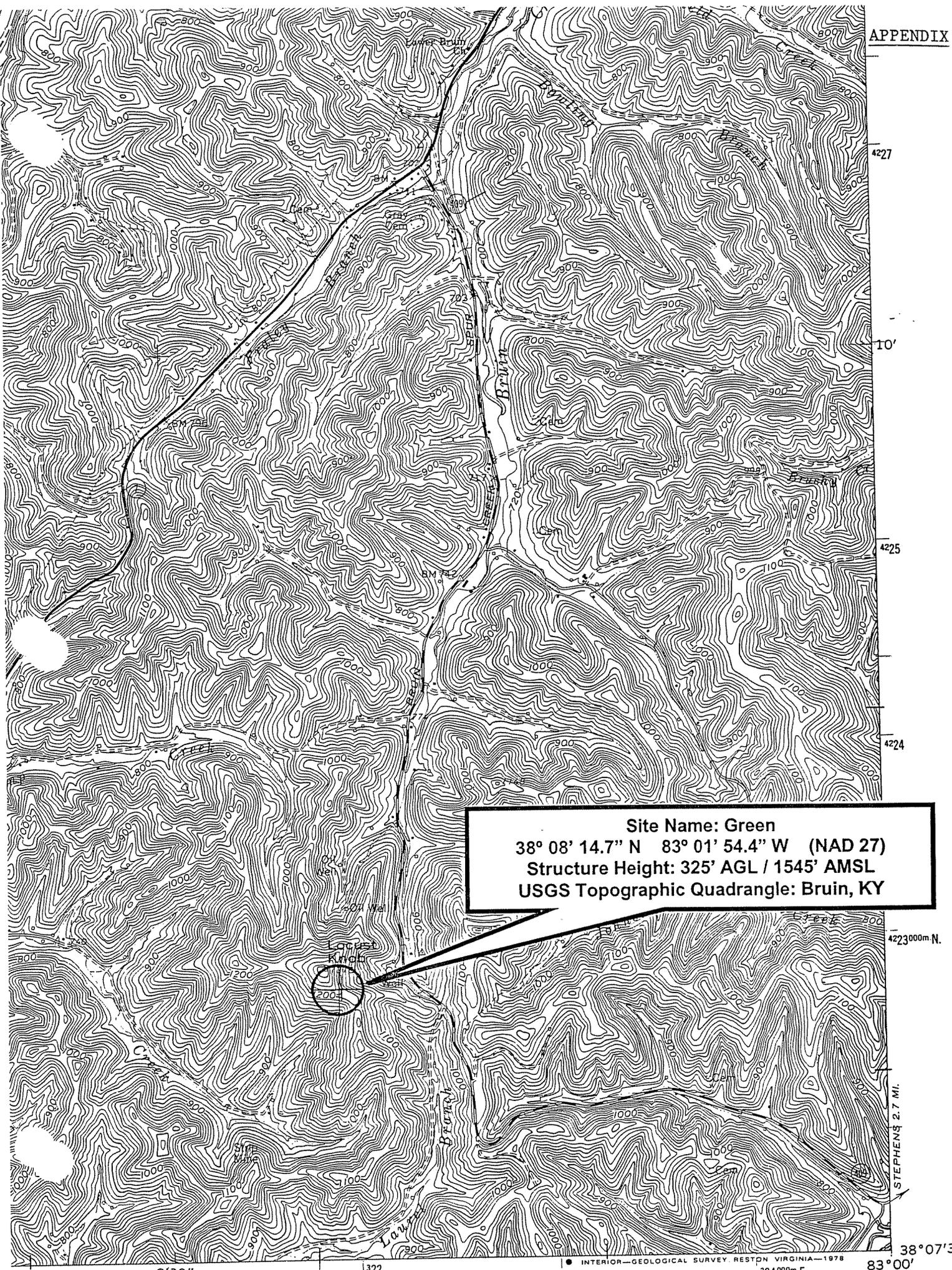
[ ] Chairman, KAZC

[ ] Administrator, KAZC

[ ] Approved

[ ] Disapproved

Date



**Site Name: Green**  
**38° 08' 14.7" N 83° 01' 54.4" W (NAD 27)**  
**Structure Height: 325' AGL / 1545' AMSL**  
**USGS Topographic Quadrangle: Bruin, KY**

4227

10'

4225

4224

4223000m N.

STEPHENS 2.7 MI.

38°07'3  
83°00'

2'30"

1322

323

324,000m E

ROAD CLASSIFICATION

LUKAS, NACE, GUTIERREZ & SACHS

CHARTERED

1111 NINETEENTH STREET, N.W.

SUITE 1200

WASHINGTON, D.C. 20036

(202) 857-3500

USSELL D. LUKAS  
DAVID L. NACE  
THOMAS GUTIERREZ  
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(202) 828-9489  
TELECOPIER  
(202) 828-8405

July 14, 2004

Via U.S. Mail

EXPRESS PROCESSING CENTER  
Federal Aviation Administration  
Southwest Regional Office  
Air Traffic Airspace Branch, ASW-520  
2601 Meacham Blvd.  
Fort Worth, TX 76137-4298

Dear FAA Evaluator:

Enclosed is an FAA Form 7460-1 (Notice of Proposed Construction) for a 325' communications tower structure (300' tower plus 25' antenna/lightning rod) proposed near Green (Elliott County), Kentucky. The proposed site ("Green") is on Locust Knob approximately 2.37 miles east of Green.

The proponent, East Kentucky Network, LLC, is the licensee for Cellular Block B service in Kentucky RSA-9 (Elliott), Market No. 451. Transmit frequencies to be used at this station are Cellular Band B (880-890 MHz); the maximum ERP will be 150 Watts.

The transmitting systems proposed for this site will be installed and maintained such that transmitter spurious radiation in the frequency range of 118 MHz to 137 MHz shall be attenuated at least 71 dB below the unmodulated carrier level.

Geographic coordinates are based on North American Datum 27 (NAD27).

The proponent respectfully requests FAA permission to install dual obstruction lighting (red and medium intensity white) in lieu of other marking and lighting for the proposed tower.

Should you have any questions or require additional information, please do not hesitate to call the undersigned at the above identified telephone number.

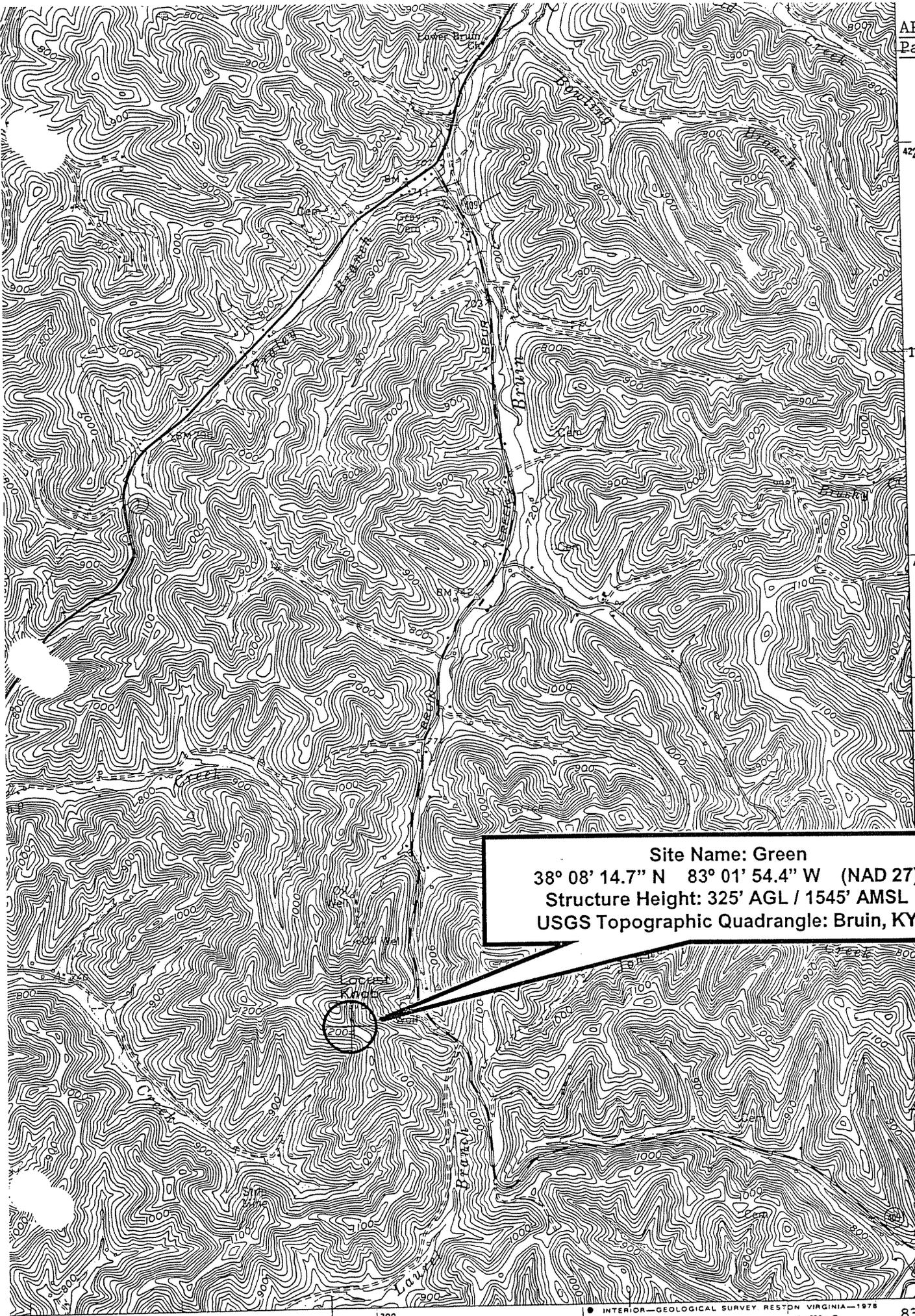
Sincerely,

  
LeRoy A. (Art) Adam  
Consulting Engineer

Enclosure

cc: East Kentucky Network, LLC  
Attention: Gerald Robinette  
Marty Thacker





Site Name: Green  
38° 08' 14.7" N 83° 01' 54.4" W (NAD 27)  
Structure Height: 325' AGL / 1545' AMSL  
USGS Topographic Quadrangle: Bruin, KY

2'30"

1322

INTERIOR—GEOLOGICAL SURVEY RESTON, VIRGINIA—1978  
323 324 000m E.

38°07'3  
83°00'

ROAD CLASSIFICATION

## Appendix C

Not Applicable

The proposed antenna support structure is to be constructed for the purpose of cellular radio transmission considered to be a new cell in an existing licensed system. Therefore, under the provisions of section 22.163(e) of the Federal Communications Commission rules, no application for a new FCC license is required.

A copy of the existing license is attached hereto.

ULS License

**Cellular License - KNKN880**

Call Sign	KNKN880	Radio Service	CL - Cellular
Status	Active	Auth Type	Regular
<b>Market</b>			
Market	CMA451 - Kentucky 9 - Elliott	Channel Block	B
Submarket	0	Phase	2
Cellular SID	1290		
<b>Dates</b>			
Grant	08/28/2001	Expiration	10/01/2011
Effective	08/15/2002	Cancellation	
<b>Five Year Buildout Date</b>			
10/23/1996			
<b>Control Points</b>			
1	U.S. 23, HAROLD, KY		

**Licensee**

Licensee ID	L00000729	FRN	0001786607	Type	Limited Liability Corporation
SGIN	000				

**Licensee**

East Kentucky Network, LLC d/b/a Appalachian Wireless PO Box 405 Prestonsburg, KY 41653	P:(606)886-6007
---	-----------------

**Contact**

Lukas, Nace, Gutierrez & Sachs, Chartered Pamela L Gist 1111 19th Street NW, Suite 1200 Washington, DC 20036	P:(202)857-3500 F:(202)828-8408 E:pgist@fcclaw.com
---	--

**Qualifications, Ownership, and Demographics**

Radio Service Type	Fixed, Mobile		
Regulatory Status	Common Carrier	Interconnected?	Yes

**Alien Ownership**

The Applicant answered "No" to each of the Alien Ownership questions.

**Basic Qualifications**

The Applicant answered "No" to each of the Basic Qualification questions.

Race

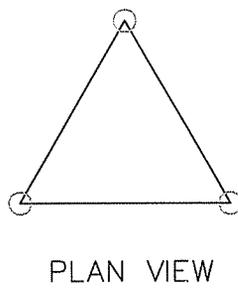
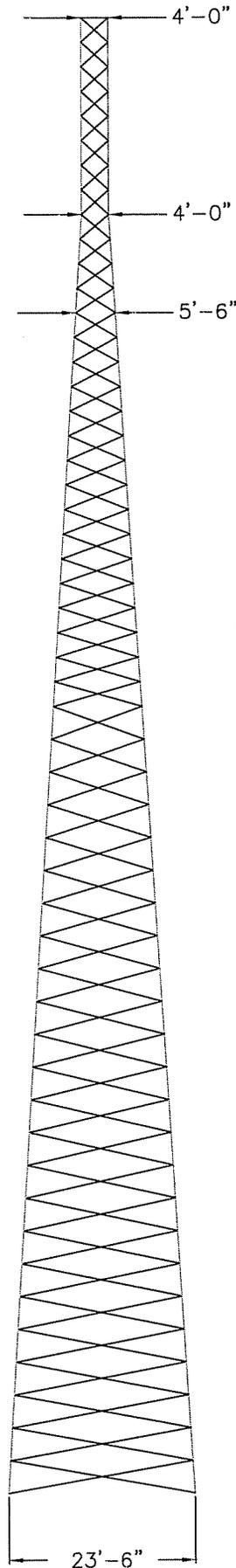
Hispanic/Latino?

Gender



A = L 3x3x1/4  
 B = L 1.75x1.75x3/16

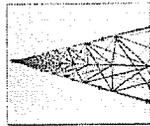
LEGS	4.00" $\phi$	3.75" $\phi$	3.50" $\phi$	$\phi$	2.75" $\phi$	2.50" $\phi$	2.25" $\phi$	2.00" $\phi$	75" $\phi$							
DIAGONALS	L 3.5x3.5x1/4	A	L 3x3x3/16	L 2.5x2.5x3/16	L 2x2x3/16	L 1.75x1.75x3/16										
GIRTS	NONE															
BRACE BOLTS	7/8" $\phi$	3/4" $\phi$		5/8" $\phi$												
SPLICE BOLTS	(8) 1" $\phi$ PER LEG															
# OF BAYS	3/20' (X-BRACING)			4/20' (X-BRACING)												
	0'	20'	40'	60'	80'	100'	120'	140'	160'	180'	200'	220'	240'	260'	280'	300'



TOWER IS DESIGNED AT 70 MPH WIND + 0.5" RADIAL ICE (WITH REDUCTION) PER TIA/EIA-222-F-1996 STANDARD

**ALLSTATE TOWER INC.**

P.O. BOX 25, HENDERSON, KY 42419 PHONE: (270) 844-0003 FAX: (270) 844-0037



TOLERANCE BANDS ARE AS FOLLOWS:  
 ALL DIMENSIONS ARE  $\pm 1/16"$   
 ALL ANGULAR DIM ARE  $\pm 1/2^\circ$  UNLESS OTHERWISE NOTED

FOR: APPALACHIAN WIRELESS  
 300' SELF SUPPORTING TOWER  
 GREEN SITE  
 ELLIOTT COUNTY, KY

DRAWN BY: CADD STAFF  
 ENGINEER: R.FULKERSON  
 DATE: 07/21/04  
 TOWER NO. 40082F  
 SHEET A

ALLSTATE JOB NO. 40082F

ELEV.	ANTENNAS	FEEDLINES
300'	(6) DB810 ANTENNAS	(6) 1-5/8"
300'	(2) 24" X 30" X 12" AMPLIFIERS	(2) 1-5/8"
270'	(4) DB810 ANTENNAS	(4) 1-5/8"
250'	(3) DB810 ANTENNAS	(3) 1-5/8"
220'	(1) 8' DISH/RADOME W/EW52	
180'	(1) 8' DISH/RADOME W/EW52	

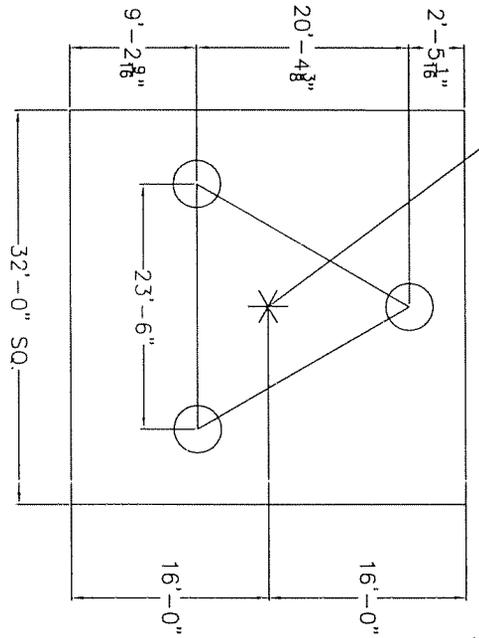
- W.G. SUPPORTS OVER 3 TOWER LEGS
- TOTAL LINES - 15; MAX. 5 LINES EXPOSED TO WIND
- STEP BOLTS WITH SAFETY DEVICE

**DESIGN NOTES:**

- 1) ALL LEGS ARE 50 KSI
- 2) ALL BRACES ARE 36 KSI
- 3) ALL BRACE AND SPLICE BOLTS ARE A325-X
- 4) ESTIMATED STEEL WT. OF TOWER - 42.14 KIPS  
 (STEEL WT. INCLUDES FLANGE & GUSSET PLATES ONLY)
- 5) USE (6) 1.50" DIA. X 6'-0" LONG (OVERALL) ANCHOR BOLTS (A36) WITH 19"  $\phi$  X 2.25" THK. (A36) BASE PLATE PER LEG WITH A 13.75" BOLT CIRCLE WITH (6) 3.5" X 5" X 1/2" STIFFENERS WITH 1/4" WELDS

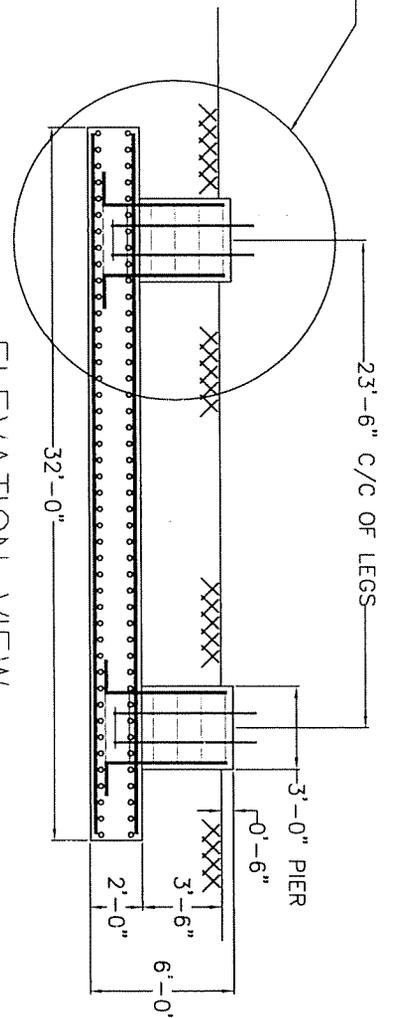
BASE REACTIONS:  
 TOTAL SHEAR = 36 KIPS  
 AXIAL LOAD = 60 KIPS  
 UPLIFT/LEG = 247 KIPS  
 COMP./LEG = 287 KIPS  
 O.T. MOMENT = 5435 FT-K

CENTER OF TOWER  
AND FOUNDATION



PLAN VIEW

SEE DETAIL "A"



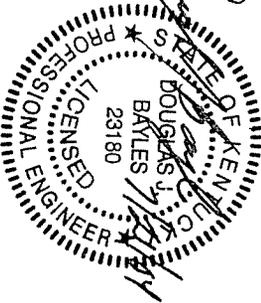
ELEVATION VIEW  
MAT & PIER

NOTES:

1. TOTAL VOLUME OF CONCRETE 79 C.Y.
2. FOUNDATION DESIGN IS BASED ON THE SITE ASSESSMENT AND GEOLOGIST LOG PREPARED BY WENDELL R. HOLMES, P.G.
3. USE (6) 1.50" DIA. A36 ANCHOR BOLTS ON A 13.75" DIA. B.C.
4. REBARS PER ASTM A615 GR. 60
5. ULTIMATE CONCRETE STRENGTH = 3000 PSI
6. MIN. COVER OF CONCRETE = 3"
7. COMPACT BACKFILL IN 8" LIFTS TO GROUND SURFACE.
8. COMPACT BACKFILL TO 90% TO 95% OF THE STANDARD MAXIMUM DRY DENSITY PER ASTM D1557

PLACEMENT PROCEDURE

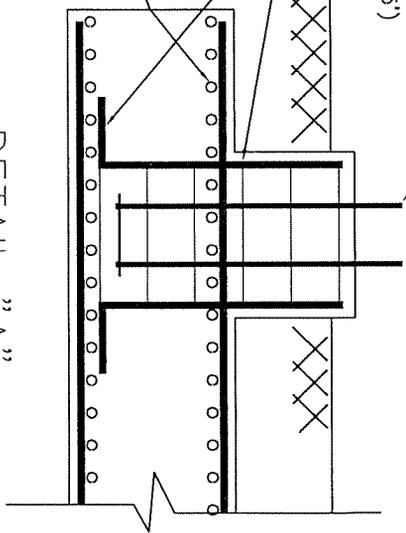
1. EXCAVATE HOLE\OR FORM MAT TO DIMENSIONS SHOWN.
2. PLACE A 2 TO 3 INCH MUD MAT OF LEAN CONCRETE ON CLEANED AND INSPECTED BOTTOM OF EXCAVATION TO PROTECT BEARING SOILS FROM PROLONGED EXPOSURE.
3. PLACE ALL REINFORCING STEEL IN EXCAVATION TO THE LINES AND GRADES SHOWN. (INCLUDING HORIZONTAL AND VERTICAL REBAR, AND ANCHOR BOLT ASSEMBLIES)
4. POUR T T TO THE DEPTH SHOWN.
5. FORM AND POUR THE PIERS AFTER MAT HAS CURED FOR 12 HRS.



(6) 1.50" DIA. ANCHOR BOLTS  
x 6'-0" OVERALL LENGTH  
w/ 3/4" THK BEARING PLATE AT  
THE BOTTOM OF THE ANCHOR BOLTS  
(MIN. EMBED. LENGTH = 5')

(9) #9 VERTICAL BARS w/  
#4 TIES AT 12" O.C. FOR  
ENTIRE LENGTH  
USE 3'-6" LONG 90° HOOK  
FOR EACH #9 V-BAR.

(34) #9 HORIZONTAL BARS  
EQUALLY SPACED EACH WAY AT TOP  
AND BOTTOM OF MAT. (TOTAL OF 136)



DETAIL "A"

ALLSTATE TOWER INC.

P.O. BOX 25, HENDERSON, KY 42418 PHONE: (270) 844-0003 FAX: (270) 844-0037

PROFESSIONAL ENGINEER, THIS DRAWING IS THE PROPERTY OF ALLSTATE TOWER CO. IT IS NOT TO BE REPRODUCED OR COPIED IN ANYWAY WITHOUT PRIOR WRITTEN CONSENT OF ALLSTATE TOWER CO.

FOR: APPALACHIAN WIRELESS  
300' SELF-SUPPORTING TOWER  
MAT & PIER FOUNDATION  
GREEN SITE  
ELLIOTT COUNTY, KENTUCKY

REF. JOB# ALLSTATE JOB NO. 40082-FOUNDATION

DESIGNED BY: CADDD STAFF  
ENGINEER: R.F. FULKERSON  
DATE: 07/21/04  
TO: SHEET  
4UJ82F B





Federal Aviation Administration  
Southern Regional Office  
1701 Columbia Avenue-ASO-520  
College Park, GA 30337

Aeronautical Study No.  
2004-ASO-4111-OE

Issued Date: 7/28/2004

LEROY A ADAM  
EAST KENTUCKY NETWORK LLC  
1111 19TH STREET NW STE 1200  
WASHINGTON, DC 20036

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure Type: Antenna Tower  
Location: GREEN, KY  
Latitude: 38-8-14.98 NAD 83  
Longitude: 83-1-54.01  
Heights: 325 feet above ground level (AGL)  
1545 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K Change Obstruction Marking and Lighting, a med-dual system - Chapters 4,8 (M-Dual), & 12.

It is required that the enclosed FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction  
(7460-2, Part I)
- Within 5 days after the construction reaches its greatest height  
(7460-2, Part II)

As a result of this structure being critical to flight safety, it is required that the FAA be kept apprised as to the status of the project. Failure to respond to periodic FAA inquiries could invalidate this determination.

This determination expires on 1/28/2006 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE

EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404)305-5579. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2004-ASO-4111-OE.

**Signature Control No: 389735-293071**

**(DNE)**

Earl P Newalu Jr.  
Specialist

Attachment(s)  
frequency Data

7460-2 Attached

Frequency Data for ASN 2004-ASO-4111-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
880	890	MHz	.15	KW

)

**EAST KENTUCKY NETWORK, LLC  
DBA APPALACHIAN WIRELESS**

**FINANCIAL REPORT**

**December 31, 2003**

## INDEPENDENT AUDITOR'S REPORT

To the Members  
East Kentucky Network, LLC  
dba Appalachian Wireless  
Prestonsburg, Kentucky 41653

We have audited the accompanying balance sheets of East Kentucky Network, LLC, dba Appalachian Wireless as of December 31, 2003 and 2002 and the related statements of income, members' equity and cash flows for the years then ended. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of East Kentucky Network, LLC, dba Appalachian Wireless as of December 31, 2003 and 2002 and the results of its operations and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

*Jones, Nale & Mattingly, PLC*

Louisville, Kentucky  
February 26, 2004

**EAST KENTUCKY NETWORK, LLC  
DBA APPALACHIAN WIRELESS**

**BALANCE SHEETS  
December 31, 2003 and 2002**

ASSETS	<u>2003</u>	<u>2002</u>
<b>CURRENT ASSETS</b>		
Cash and cash equivalents	\$ 2,781,029	\$ 1,276,000
Short-term investments	2,617,468	100,000
Accounts receivable, less allowance for doubtful accounts of \$280,280 in 2003 and \$834,722 in 2002	1,283,271	1,467,000
Inventory	419,855	85,000
Prepaid expenses	107,325	87,000
Total current assets	<u>\$ 7,208,948</u>	<u>\$ 3,788,000</u>
 <b>PROPERTY, PLANT AND EQUIPMENT (Note 4)</b>		
Plant in service:		
General support	\$ 7,021,978	\$ 6,072,000
MTSO equipment	6,265,231	5,739,000
Cell equipment	25,509,795	23,975,000
Paging equipment	3,300,442	3,197,000
Fiber ring	3,987,697	3,715,000
Unfinished plant	<u>1,520,311</u>	<u>42,700</u>
	\$ 47,605,454	\$ 42,700
	19,301,482	15,782
Less accumulated depreciation	<u>\$ 28,303,972</u>	<u>\$ 26,918</u>
 <b>OTHER ASSETS</b>		
Investment in affiliated company, RTFC (Note 4)	\$ 867,749	\$ 864,000
Intangible assets, net of accumulated amortization of \$1,519,773 in 2003 and \$972,121 in 2002 (Note 2)	5,947,249	6,485,000
Other	30,909	32,000
	<u>\$ 6,845,907</u>	<u>\$ 7,386,000</u>
	<u>\$ 42,358,827</u>	<u>\$ 38,098,000</u>

The Notes to Financial Statements are an integral part of these statements.

LIABILITIES AND MEMBERS' EQUITY	<u>2003</u>	<u>2002</u>
<b>CURRENT LIABILITIES</b>		
Notes payable (Note 3)	\$ 2,200,000	\$ 2,700,000
Current maturities of long-term debt (Note 4)	798,055	754,200
Accounts payable	662,323	639,300
Accounts payable, member (Note 6)	6,178	51,000
Accrued expenses	780,509	673,400
Customer deposits	164,192	116,000
Total current liabilities	<u>\$ 4,611,257</u>	<u>\$ 4,934,900</u>
LONG-TERM DEBT, less current maturities (Note 4)	7,408,929	8,181,400
MEMBERS' EQUITY	30,338,641	24,976,800
	<u><u>\$ 42,358,827</u></u>	<u><u>\$ 38,092,100</u></u>

EAST KENTUCKY NETWORK, LLC  
DBA APPALACHIAN WIRELESS

STATEMENTS OF INCOME  
Years Ended December 31, 2003 and 2002

	<u>2003</u>	<u>2002</u>
REVENUE	\$ 16,436,390	\$ 14,910
Retail	3,784,721	3,653
Roamer	178,971	258
Long distance	1,584,737	2,009
Paging	1,474,793	1,332
Equipment sales	1,860,502	786
Other	<u>\$ 25,320,114</u>	<u>\$ 22,950</u>
Total revenue		
 EXPENSES	 \$ 7,019,191	 \$ 5,653
Cost of cellular service	629,904	666
Cost of paging service	2,396,548	3,099
Cost of equipment sales	950,566	893
Customer service	1,016,679	1,011
Billing	1,337,980	1,298
Selling	705,705	722
Maintenance	303,426	271
Utilities	937,244	635
Bad debts	127,313	118
Cell site rental	241,575	319
Taxes	470,732	745
Advertising	1,473,026	1,521
General and administrative	253,738	218
Occupancy	3,481,218	3,378
Depreciation	609,215	45
Amortization	<u>\$ 21,954,060</u>	<u>\$ 21,000</u>
Total expenses		
Income from operations	<u>\$ 3,366,054</u>	<u>\$ 1,940</u>
 OTHER INCOME (EXPENSE)	 \$ 38,725	 \$ 3
Interest income	(542,951)	(65)
Interest expense	<u>\$ (504,226)</u>	<u>\$ (62)</u>
Net income	<u>\$ 2,861,828</u>	<u>\$ 1,320</u>

The Notes to Financial Statements are an integral part of these statements.

**EAST KENTUCKY NETWORK, LLC  
DBA APPALACHIAN WIRELESS**

**STATEMENTS OF MEMBERS' EQUITY  
Years Ended December 31, 2003 and 2002**

	Cellular Services, Inc.	Gearhart Communi- cations Company, Inc.	Mountain Tele- communi- cations, Inc.	Thacker- Grigsby Telephone Co., Inc.	Peoples Rural Telephone Coop- erative Corp- oration, Inc.	Total
Balance, January 1, 2002	\$ 4,730,585	\$ 4,730,584	\$ 4,730,584	\$ 4,730,585	\$ 4,730,585	\$23,652,9
Net income	264,778	264,778	264,778	264,778	264,778	1,323,8
Balance, December 31, 2002	\$ 4,995,363	\$ 4,995,362	\$ 4,995,362	\$ 4,995,363	\$ 4,995,363	\$24,976,8
Net income	572,366	572,366	572,366	572,366	572,366	2,861,8
Capital contributions	500,000	500,000	500,000	500,000	500,000	2,500,0
Balance, December 31, 2003	<u>\$ 6,067,729</u>	<u>\$ 6,067,728</u>	<u>\$ 6,067,728</u>	<u>\$ 6,067,729</u>	<u>\$ 6,067,729</u>	<u>\$30,338,6</u>

The Notes to Financial Statements are an integral part of these statements.

**EAST KENTUCKY NETWORK, LLC  
DBA APPALACHIAN WIRELESS**

**STATEMENTS OF CASH FLOWS  
Years Ended December 31, 2003 and 2002**

	2003	2002
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>	<b>\$ 2,861,828</b>	<b>\$ 1,323,89</b>
Net income		3,378,08
Adjustments to reconcile net income to net cash provided by operating activities:		
Depreciation	3,481,218	451,45
Amortization	609,215	
Changes in assets and liabilities, net of the effects of investing and financing activities:		
Decrease in accounts receivable	183,762	102,42
Decrease in inventory	437,460	83,66
(Increase) decrease in prepaid expenses	(20,127)	88,05
Decrease in other assets	1,119	1,11
Increase (decrease) in accounts payable	22,942	(897,06
(Decrease) in accounts payable, member	(45,077)	(130,91
Increase in accrued expenses	107,040	185,20
Increase in customer deposits	47,660	57,08
Net cash provided by operating activities	<b>\$ 7,687,040</b>	<b>\$ 4,642,95</b>
 <b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Purchase of property, plant and equipment	\$ (4,933,301)	\$ (4,235,51
Purchase of intangibles	--	(705,96
Purchase of short-term investments	(2,517,468)	
Purchase of RTFC equity certificates	(3,352)	(28,91
Net cash (used in) investing activities	<b>\$ (7,454,121)</b>	<b>\$ (4,970,41</b>
 <b>CASH FLOWS FROM FINANCING ACTIVITIES</b>		
Proceeds from capital contributions	\$ 2,500,000	\$ 671,61
Net borrowings on notes payable	(500,000)	(681,71
Payments on long-term borrowings	(728,750)	(10,11
Net cash provided by (used in) by financing activities	<b>\$ 1,271,250</b>	<b>\$ (10,11</b>
Net increase (decrease) in cash and cash equivalents	<b>\$ 1,504,169</b>	<b>\$ (337,51</b>
 Cash and cash equivalents:		
Beginning	1,276,860	1,614,41
Ending	<b>\$ 2,781,029</b>	<b>\$ 1,276,860</b>
 <b>SUPPLEMENTAL DISCLOSURE OF CASH FLOW INFORMATION</b>		
Cash payments for interest	<b>\$ 531,577</b>	<b>\$ 666,41</b>

The Notes to Financial Statements are an integral part of these statements.

EAST KENTUCKY NETWORK, LLC  
DBA APPALACHIAN WIRELESS

NOTES TO FINANCIAL STATEMENTS

Note 1. Summary of Significant Accounting Policies

Nature of operations

East Kentucky Network, LLC, dba Appalachian Wireless, is a Kentucky limited liability company formed by the merger of Appalachian Cellular, LLC, Mountaineer Cellular, LLC and East Kentucky Network, LLC on January 1, 2000. The Company is engaged in cellular telephone communications and paging services to residential and commercial customers located in eastern Kentucky. The Company's five members consist of Cellular Services, Inc.; Gearheart Communications Company, Inc.; Mountain Telecommunications, Inc.; Peoples Rural Telephone Cooperative Corporation, Inc.; and Thacker-Grigsby Telephone Co., Inc.

Cash

The Company maintains its cash balances, which exceed the \$100,000 federally insured limit, with several financial institutions. These financial institutions have strong credit ratings and management believes that credit risk related to the accounts is minimal.

Cash equivalents

For purposes of the statement of cash flows, the Company considers temporary investments having a maturity of three months or less to be cash equivalents.

Short-term investments

Certificates of deposit having original maturities between three and nine months are classified as short-term investments, are carried at cost and are held to maturity.

Inventory

Inventory is composed of cellular telephone equipment, paging equipment, and accessories purchased for resale during the ordinary course of business. The inventory is valued at the lower of cost or market, cost being determined by the first-in, first-out (FIFO) method.

Property, plant and equipment

Property, plant and equipment are recorded at cost. Depreciation is provided using the straight-line method over the estimated useful lives of the assets.

Investment

The investment in affiliated company is composed of equity certificates in Rural Telephone Finance Cooperative and is reported at cost, which approximates fair value.

## NOTES TO FINANCIAL STATEMENTS

### Note 1. Summary of Significant Accounting Policies (Continued)

#### Intangible assets

The customer lists, non-compete agreements, FCC licenses, and use of name are recorded at cost and are being amortized over 15 years by the straight-line method. The excess cost over the fair value of the net assets acquired (goodwill) related to paging acquisitions is measured for impairment on an annual basis, and written down, if necessary, to its estimated value at that time.

#### Recognition of revenue

Cellular service and paging revenues are recognized when earned. Monthly access and feature charges are billed one month in advance and recognized as revenue the following month. Revenue from telephone and accessories sold are recognized as revenue upon delivery to the customer.

#### Advertising

Advertising costs are expensed as incurred. At December 31, 2003 and 2002, these costs were \$470,732 and \$745,470, respectively.

#### Income taxes

Under existing provisions of the Internal Revenue Code, the income or loss of a limited liability company is recognized by the members for income tax purposes. Accordingly, no provision for income tax has been provided for in the accompanying financial statements.

#### Use of estimates

Management uses estimates and assumptions in preparing financial statements. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses.

#### Reclassification

Certain amounts presented in the prior year have been restated to conform with the current year presentation.

## NOTES TO FINANCIAL STATEMENTS

### Note 2. Intangible Assets

Intangible assets consist of the following at December 31, 2003 and 2002:

	December 31,	
	2003	2002
Customer lists	\$ 5,363,530	\$ 5,363,530
Non-compete agreements	220,348	220,348
FCC licenses	841,593	841,593
Use of name	10,000	10,000
Goodwill (excess cost over assets acquired)	1,005,712	1,005,712
Other	25,839	20,691
	\$ 7,467,022	\$ 7,461,874
	(1,519,773)	(972,121)
Less accumulated amortization	\$ 5,947,249	\$ 6,489,753

### Note 3. Notes Payable

Notes payable consist of the following:

	December 31,	
	2003	2002
RTFC, Line of Credit (a)	\$ 1,800,000	\$ 2,300,000
Cumberland Mountain Paging (b)	400,000	400,000
Total	\$ 2,200,000	\$ 2,700,000

(a) The Company has a line of credit agreement with Rural Telephone Finance Cooperative (RTFC) that provides for borrowings up to \$5,000,000. The outstanding balance at December 31, 2003 and 2002 was \$1,800,000 and \$2,300,000, respectively. The agreement carries an interest rate at prime, plus one and one-half percent, is unsecured and expires June 28, 2004.

(b) The Company issued two promissory notes in connection with the acquisition of certain paging assets. Both notes were due in one year with interest at a rate of 4%. The remaining note with a balance of \$400,000 is currently due, but the Company is negotiating the amount based upon the purchased customer lists.

NOTES TO FINANCIAL STATEMENTS

Note 4. Long-Term Debt

Long-term debt as of December 31, 2003 and 2002 consists of the following:

	December 31, 2003		
	Balance	Current	Long-Term
Notes payable, RTFC:			
Dated 11/13/97, variable rate (4.40% at 12/31/03)	\$ 240,199	\$ 20,054	\$ 220,145
Dated 11/13/97, variable rate (4.40% at 12/31/03)	1,093,351	95,994	997,357
Dated 11/13/97, variable rate (7.20% at 12/31/03)	893,978	73,946	820,032
Dated 12/31/98, variable rate (7.25% at 12/31/03)	733,212	52,230	680,982
Dated 02/13/01, variable rate (4.20% at 12/31/03)	932,054	76,974	855,080
Dated 02/13/01, variable rate (4.20% at 12/31/03)	1,094,112	90,358	1,003,754
Dated 07/27/01, variable rate (4.20% at 12/31/03)	3,220,078	388,499	2,831,579
	<u>\$ 8,206,984</u>	<u>\$ 798,055</u>	<u>\$ 7,408,929</u>

	December 31, 2002		
	Balance	Current	Long-Term
Notes payable, RTFC:			
Dated 11/13/97, variable rate (7.00% at 12/31/02)	\$ 260,785	\$ 18,710	\$ 242,075
Dated 11/13/97, variable rate (5.60% at 12/31/02)	1,181,142	90,801	1,090,341
Dated 11/13/97, variable rate (7.20% at 12/31/02)	969,326	68,854	900,472
Dated 12/31/98, variable rate (7.25% at 12/31/02)	785,751	48,609	737,142
Dated 02/13/01, variable rate (5.30% at 12/31/02)	997,130	73,026	924,104
Dated 02/13/01, variable rate (5.30% at 12/31/02)	1,170,503	85,724	1,084,779
Dated 07/27/01, variable rate (5.30% at 12/31/02)	3,571,097	368,573	3,202,524
	<u>\$ 8,935,734</u>	<u>\$ 754,297</u>	<u>\$ 8,181,437</u>

## NOTES TO FINANCIAL STATEMENTS

### Note 4. Long-Term Debt (Continued)

The notes payable to Rural Telephone Finance Cooperative (RTFC) are secured by mortgage and security agreements that include substantially all of the assets of the Company. In addition, the Company is required to purchase equity certificates in RTFC equal to 5% of the total amounts borrowed. The notes are payable in quarterly installments over 15 years with interest at a variable rate set by RTFC.

Approximate maturities or payments required on principal under note payable agreements for each of the succeeding five years are as follows:

Year ending December 31:

2004	\$ 798,055
2005	844,397
2006	893,474
2007	945,454
2008	1,000,508

### Note 5. Retirement Plans

The Company has a 401(k) plan for qualifying employees who have reached twenty-one years of age. Eligible employees are allowed to invest up to 15% of their compensation and the Company has agreed to match 100% of the first 3% of the employees' contribution and 50% of the employees' contribution between 3% and 5%. The Company contributed \$59,472 and \$60,561 matching funds for its 401(k) plan during the years ended December 31, 2003 and 2002, respectively.

The Company also offers an employer sponsored retirement savings plan for qualified employees who have reached twenty-one years of age. The Company has agreed to contribute 9% of the eligible employee's compensation, plus an additional 5% of the original contribution. The Company contributed \$205,832 and \$146,459 to its retirement savings plan during the years ended December 31, 2003 and 2002, respectively.

## NOTES TO FINANCIAL STATEMENTS

### Note 6. Related Party Transactions

The Company shares personnel with one of its members. The Company paid \$126,331 and \$126,130 for shared personnel during the years ended December 31, 2003 and 2002 respectively. The Company also leased offices and warehouse space from two members. The leases are for an unspecified length of time. The monthly lease payments total approximately \$7,000. In addition, the Company incurred interconnection charges from its members aggregating \$765,004 and \$579,948 for the years ended December 31, 2003 and 2002, respectively.

The Company leases two cellular tower sites from the officers and majority shareholders of a member for \$100 per month for each site. The leases are for an unspecified length of time. In addition, the Company leases two other sites from a company owned by this member for \$600 each on a month to month basis.

The Company leases cellular tower sites from the parent company of one of its other members for \$1,039 per month. The leases are for five years with options to renew.



**ADDRESS OF PROPOSED TOWER**

**GREEN CELL SITE**

**ELLIOTT COUNTY, KENTUCKY**

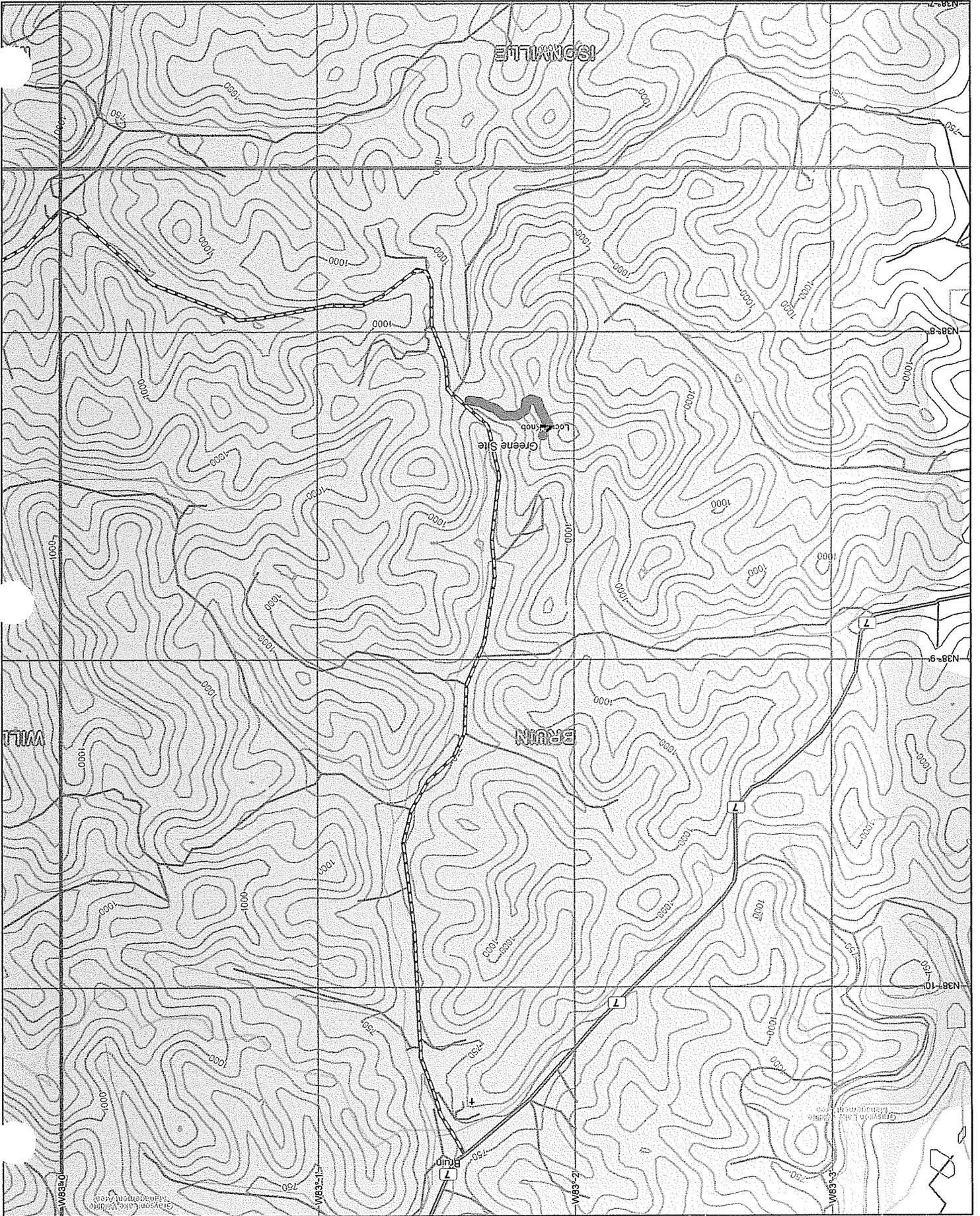
**COORDINATES OF PROPOSED GREEN TOWER SITE**

***LAT.*      38   °   08   '  14.7  " *N***

***LONG.*    83   °  01   '  54.4  " *W***

## Directions to Greene Site

From the court house in Sandy Hook take route 7 north 5.7 miles to the Jct. Of Route 409. Route 409 turns right and go 2.8 miles to top of the hill and turn right on to Copper Head Rd. Copper Head Rd. is a gravel road and will continue up the hill to the Greene tower site.





COPY

DEED OF CONVEYANCE

THIS DEED OF CONVEYANCE, entered into this 30<sup>th</sup> day of April, 2004, between **Stanley Maggard, married**, of Route 1, Box 544J, Sandy Hook, Kentucky 41171, GRANTOR, and **East Kentucky Network, LLC**, d/b/a **Appalachian Wireless**, P.O. Box 405, Prestonsburg, Kentucky, GRANTEE.

WITNESSETH:

pd 24.00

That said Grantor for and in consideration of the sum of Twenty Four Thousand Dollars (\$24,000.00), cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, do hereby grant, sell and convey to the Grantee, its successors and assigns, the following described property, to-wit:

BEING a part of the same property conveyed from Norman Noble to Stanley Maggard in deed dated December 12, 1997, and recorded in Deed Book 89, Page 136, Elliott County Court Clerk's Office.

BEING the same property described by metes and bounds as Tract I in the description attached hereto and made a part hereof as Exhibit "A", and as shown as Tract I on the plat dated day of March 8, 2004, prepared by Joseph B. Curd, Jr., PLS, Licensed Land Surveyor, and attached hereto and made a part hereof as Exhibit "B."

**Grant of Construction Easement (Temporary):** Grantor hereby grants unto Grantee a temporary construction easement to encroach upon Tract II shown upon the plat at Exhibit "B," (and upon Grantor's other retained surface) for the purpose of site construction and placement of towers and related facilities, said easement to cease upon completion of such construction. Grantee shall relocate any boundary monuments it disturbs, upon completion of construction.

**Grant of Permanent Easement:** Grantor grants and conveys unto Grantee, its successors or assigns, a permanent easement and right of way for a roadway of sufficient

width for ingress and egress with men, vehicles, equipment and machinery over and across Grantor's retained surface property to the tract or parcel of land granted and conveyed herein to Grantee, its successors and assigns together with the right to reconstruct or use any existing roadways over Grantor' retained surface for such purposes. Any roadway thus constructed shall as near as practical follow the existing route to the above described property.

Grantor grant and convey unto Grantee, its successors or assigns, an easement and right of way to construct and maintain any and all power lines, telephone lines, co-axial lines or any other utilities or related facilities needed and/or necessary for use by Grantee, its successors or assigns, over and across Grantor' retained surface property to the tract or parcel of land granted and conveyed herein to Grantee, its successor and assigns.

Grantor further grant and convey unto Grantee, its successors and assigns, the right to remove any trees, tree limbs, undergrowth or obstructions upon Grantor' retained surface property that might interfere with or damage any towers or structures that Grantee, its successors or assigns, may place upon the above described tract of land, or with the easements and rights of way granted herein. Any trees cut hereunder that are marketable timber quality will be saved for Grantor.

TO HAVE AND TO HOLD the same with all appurtenances thereunto belonging unto the Grantee, its successors and assigns forever, with covenant of General Warranty.

We, the undersigned, do hereby certify and swear pursuant to KRS Chapter 382, that the full and complete consideration paid for the transfer of the hereinabove described property was Twenty Four Thousand Dollars (\$24,000.00).

IN TESTIMONY WHEREOF, the Grantor and Grantee have hereunto subscribed their names, the day and year aforesaid.

GRANTOR:

Stanley Maggard  
Stanley Maggard

GRANTEE:

EAST KENTUCKY NETWORK, LLC  
d/b/a APPALACHIAN WIRELESS

BY: Laura Phipps  
ITS: General Manager

STATE OF KENTUCKY

COUNTY OF Elliott

I, Dennis Shepherd, a Notary Public in and for the County and State aforesaid, do hereby certify that the foregoing Deed of Conveyance and Consideration Certificate was this day produced, acknowledged, subscribed and sworn before me in the said County and State and signed by **Stanley Maggard, married, Grantor**, this 30<sup>th</sup> day of April, 2004.

Dennis Shepherd  
NOTARY PUBLIC  
Commission Expires: Oct. 22-2005

STATE OF KENTUCKY

COUNTY OF Floyd

I, Teresa M. Opel, a Notary Public in and for the county and state aforesaid, do hereby certify that the foregoing Deed of Conveyance and Consideration Certificate was this day produced, acknowledged, subscribe and sworn to before me in said County and State and signed by **East Kentucky Network, LLC, d/b/a Appalachian Wireless**, by Laura Phipps, its General Manager, this 29 day of April, 2004.

Teresa M. Opel  
NOTARY PUBLIC  
Commission Expires: June 22, 2005

This is to certify that this instrument was prepared by:

William S. Kendrick

WILLIAM S. KENDRICK, ATTORNEY  
FRANCIS, KENDRICK & FRANCIS  
P.O. Box 268  
Prestonsburg, Kentucky 41653  
606/886-2812

STATE OF KENTUCKY  
COUNTY OF ELLIOTT

Clerk's Certificate of  
Lodgment and Record

I, Reeda L. Olson, Clerk of the County for the County and State aforesaid, certify that the foregoing Deed was on the 3 day of May, 2004 lodged for record, whereupon the same, with the foregoing and this certificate have been duly recorded in my office.

WITNESS my hand, this 3 day of May, 2004.

Deed Book - 99  
Page - ~~542~~  
547

Reeda L. Olson Clerk  
By Kathy Eldridge D.C.

PROPERTY DESCRIPTION OF A PORTION OF THE STANLEY MAGGARD PARCEL OF LAND -TRACT I

A parcel of land located on the west side of State Route 409 approximately 2.6 miles south of the junction of State Route 7, near the community of Bruin in Elliott County, KY and described as follows:

Beginning at a set 1/2" rebar with aluminum cap stamped "CURD SURVEYING & ENG., INC. LS 2766" (set rebar with cap) on the centerline of the ridge and in the line of the parcel conveyed to Gary Perkins in Deed Book 82 Page 817 of the Elliott County Court Clerk's records; Said set rebar with cap is in a severance line and located SOUTH 31°17'16" EAST 410.61 feet from a USGS Bronze Disk stamped "LOCUST 1949" (found this survey);

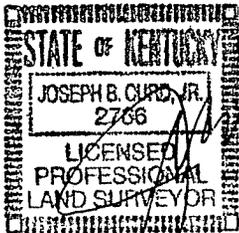
Thence with a severance line for three (3) calls:

- (1) NORTH 38°02'20" EAST 100.00 feet to a set rebar with cap,
- (2) SOUTH 50°08'57" EAST 199.96 feet to a set rebar with cap,
- (3) SOUTH 39°51'03" WEST 77.63 feet to a set rebar with cap on the centerline of the ridge and in the line of the parcel conveyed to Gary Perkins in Deed Book 82 Page 817;

Thence with the centerline of the ridge and with the Perkins line for three (3) calls:

- (1) NORTH 56°31'22" WEST 5.66 feet to a set rebar with cap,
- (2) NORTH 61°37'47" WEST 93.09 feet to a metal fence post (found this survey),
- (3) NORTH 51°57'40" WEST 100.00 feet to the beginning containing 18413 square feet or 0.423 Acre. Bearings are based on magnetic north readings taken on December 2, 2003. This property description is based on a field survey conducted under the direction of Joseph B. Curd, LS 2766, with CURD SURVEYING, ENGINEERING & LAND CONSULTING, INC. dated December 2, 2003 and is identified as Tract I on plat of survey dated March 8, 2004 and made part of this property description.

Being a portion of the parcel conveyed from Norman Nobel to Stanley Maggard in deed dated December 12, 1997 and recorded in Deed Book 89 Page 136 of the Elliott County Court Clerk's records.

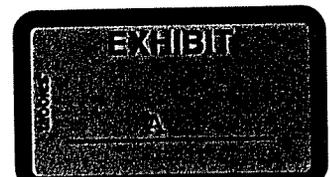


*[Handwritten signature]*  
 3/8/04

State of Kentucky, County of Elliott, Sct.

I, Reeda S. Ison, Clerk, Elliott County, for the county and state aforesaid do hereby certify that the foregoing Deed was on this 3 day of May, 2004 Lodged for record whereupon the foregoing and this certificate have been duly recorded in my office. Given under my hand, this the 3 day of May, 2004.  
 Reeda S. Ison, Clerk By [Signature]

DB - 99  
Pg - 547



## QUITCLAIM DEED

THIS QUITCLAIM DEED, entered into this \_\_\_\_ day of \_\_\_\_\_, 2004, between **Stella Maggard, married**, of Route 1, Box 544J, Sandy Hook, Kentucky 41171, GRANTOR, and **East Kentucky Network, LLC**, d/b/a **Appalachian Wireless**, P.O. Box 405, Prestonsburg, Kentucky, GRANTEE.

### WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, do hereby remise, release and forever quitclaim unto Grantee, its successors and assigns, all of her right, title, interest or claim, including her marital interest, in and to the following described premises, to-wit:

BEING a part of the same property conveyed from Norman Noble to Stanley Maggard in deed dated December 12, 1997, and recorded in Deed Book 89, Page 136, Elliott County Court Clerk's Office.

BEING the same property described by metes and bounds as Tract I in the description attached hereto and made a part hereof as Exhibit "A", and as shown as Tract I on the plat dated day of March 8, 2004, prepared by Joseph B. Curd, Jr., PLS, Licensed Land Surveyor, and attached hereto and made a part hereof as Exhibit "B."

TO HAVE AND TO HOLD the same together with all easements and appurtenances thereunto belonging, unto Grantee, its successors and assigns forever by way of quitclaim, without covenant of title whatsoever.

We, the undersigned, do hereby certify and swear pursuant to KRS Chapter 382, that the full and complete consideration paid for the transfer of the hereinabove described property was Ten Dollars (\$10.00).

IN TESTIMONY WHEREOF, the Grantor and Grantee have hereunto subscribed

their names, the day and year aforesaid.

**GRANTOR:**

\_\_\_\_\_  
**Stella Maggard**

**GRANTEE:**

**EAST KENTUCKY NETWORK, LLC  
d/b/a APPALACHIAN WIRELESS**

BY: *Laura Phipps*  
ITS: General Manager

**STATE OF KENTUCKY**

**COUNTY OF** \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, do hereby certify that the foregoing Deed of Conveyance and Consideration Certificate was this day produced, acknowledged, subscribed and sworn before me in the said County and State and signed by **Stella Maggard, married, Grantor**, this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
**NOTARY PUBLIC**  
**Commission Expires:** \_\_\_\_\_

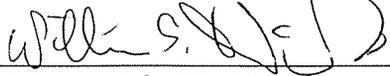
**STATE OF KENTUCKY**

**COUNTY OF** Floyd

I, *Teresa M. Apfel*, a Notary Public in and for the county and state aforesaid, do hereby certify that the foregoing Deed of Conveyance and Consideration Certificate was this day produced, acknowledged, subscribe and sworn to before me in said County and State and signed by **East Kentucky Network, LLC, d/b/a Appalachian Wireless**, by *Laura Phipps*, its *General Manager*, this 29 day of April, 2004.

*Teresa M. Apfel*  
**NOTARY PUBLIC**  
**Commission Expires:** June 22, 2005

This is to certify that this instrument was prepared by:

  
\_\_\_\_\_  
WILLIAM S. KENDRICK, ATTORNEY  
FRANCIS, KENDRICK & FRANCIS  
P.O. Box 268  
Prestonsburg, Kentucky 41653  
606/886-2812

**STATE OF KENTUCKY**

**COUNTY OF ELLIOTT**

**Clerk's Certificate of  
Lodgment and Record**

I, \_\_\_\_\_, Clerk of the County for the County and State aforesaid, certify that the foregoing Deed was on the \_\_\_\_ day of \_\_\_\_\_, 2004 lodged for record, whereupon the same, with the foregoing and this certificate have been duly recorded in my office.

WITNESS my hand, this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_ Clerk

By \_\_\_\_\_ D.C.

PROPERTY DESCRIPTION OF A PORTION OF THE STANLEY MAGGARD PARCEL OF LAND -TRACT I

A parcel of land located on the west side of State Route 409 approximately 2.6 miles south of the junction of State Route 7, near the community of Bruin in Elliott County, KY and described as follows:

Beginning at a set ½" rebar with aluminum cap stamped "CURD SURVEYING & ENG., INC. LS 2766" (set rebar with cap) on the centerline of the ridge and in the line of the parcel conveyed to Gary Perkins in Deed Book 82 Page 817 of the Elliott County Court Clerk's records; Said set rebar with cap is in a severance line and located SOUTH 31°17'16" EAST 410.61 feet from a USGS Bronze Disk stamped "LOCUST 1949" (found this survey);

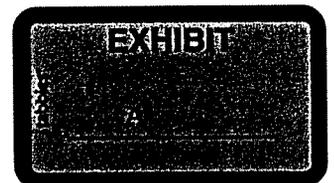
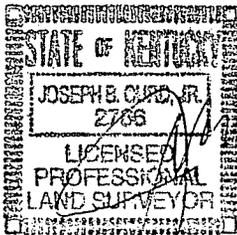
Thence with a severance line for three (3) calls:

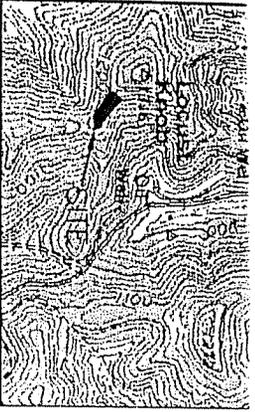
- (1) NORTH 38°02'20" EAST 100.00 feet to a set rebar with cap,
- (2) SOUTH 50°08'57" EAST 199.96 feet to a set rebar with cap,
- (3) SOUTH 39°51'03" WEST 77.63 feet to a set rebar with cap on the centerline of the ridge and in the line of the parcel conveyed to Gary Perkins in Deed Book 82 Page 817;

Thence with the centerline of the ridge and with the Perkins line for three (3) calls:

- (1) NORTH 56°31'22" WEST 5.66 feet to a set rebar with cap,
- (2) NORTH 61°37'47" WEST 93.09 feet to a metal fence post (found this survey),
- (3) NORTH 51°57'40" WEST 100.00 feet to the beginning containing 18413 square feet or 0.423 Acre. Bearings are based on magnetic north readings taken on December 2, 2003. This property description is based on a field survey conducted under the direction of Joseph B. Curd, LS 2766, with CURD SURVEYING, ENGINEERING & LAND CONSULTING, INC. dated December 2, 2003 and is identified as Tract I on plat of survey dated March 8, 2004 and made part of this property description.

Being a portion of the parcel conveyed from Norman Nobel to Stanley Maggard in deed dated December 12, 1997 and recorded in Deed Book 89 Page 136 of the Elliott County Court Clerk's records.

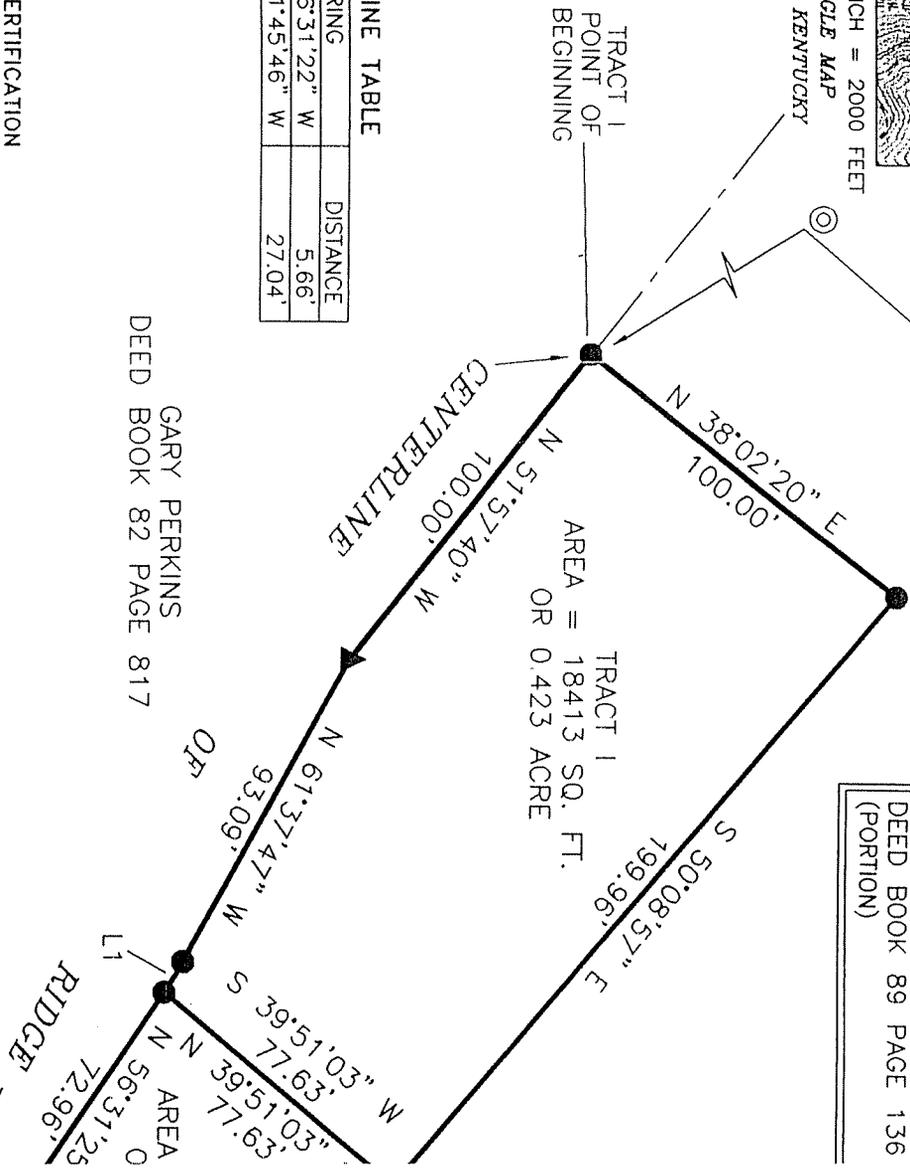




REFERENCE CALL FROM  
USGS BRONZE DISC  
STAMPED "LOCUST 1949"  
(FOUND THIS SURVEY)  
TO POINT OF BEGINNING  
S 31°17'16" E 410.61'

VICINITY MAP 1 INCH = 2000 FEET  
BRUIN QUADRANGLE MAP  
ELLIOTT COUNTY, KENTUCKY

SOURCE OF TITLE:  
STANLEY MAGGARD  
DEED BOOK 89 PAGE 136  
(PORTION)



BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
L1	N 56°31'22" W	5.66'
L2	N 41°45'46" W	27.04'

GARY PERKINS  
DEED BOOK 82 PAGE 817



TRACT  
POINT  
BEGIN

**SURVEYOR'S CERTIFICATION**

I CERTIFY THAT THIS PLAT DEPICTS A SURVEY CONDUCTED DECEMBER, 2003 TO JANUARY, 2004, UNDER MY DIRECTION USING THE METHOD OF RANDOM TRAVERSE. THE UNADJUSTED ERROR OF CLOSURE IS 0.05" WITH A PRECISION OF 1 IN 15,000. THE BEARINGS AND DISTANCES OF THE TRAVERSE HAVE NOT BEEN ADJUSTED FOR CLOSURE. THIS PLAT OF SURVEY REPRESENTS A CLASS "B" SURVEY AND MEETS AND OR EXCEEDS THE MINIMUM STANDARDS FOR LAND SURVEYING IN KENTUCKY. THE SURVEY IS SUBJECT TO ALL EASEMENTS, PUBLIC OR PRIVATE WHETHER SHOWN OR NOT. THIS BEARINGS ARE BASED ON A MAGNETIC READING TAKEN ON THE SITE ON DECEMBER 2, 2003. ALL DEED BOOKS AND PAGE SHOWN ARE OF RECORD IN THE ELLIOTT COUNTY CLERK'S OFFICE, ELLIOTT CO., KY.

JOE CURO, JR.

L.S. 2766

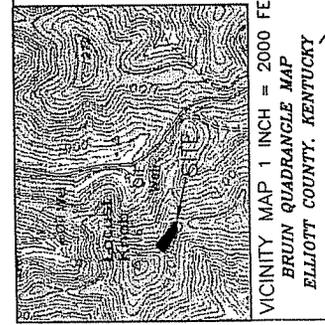
DATE

3/8/04

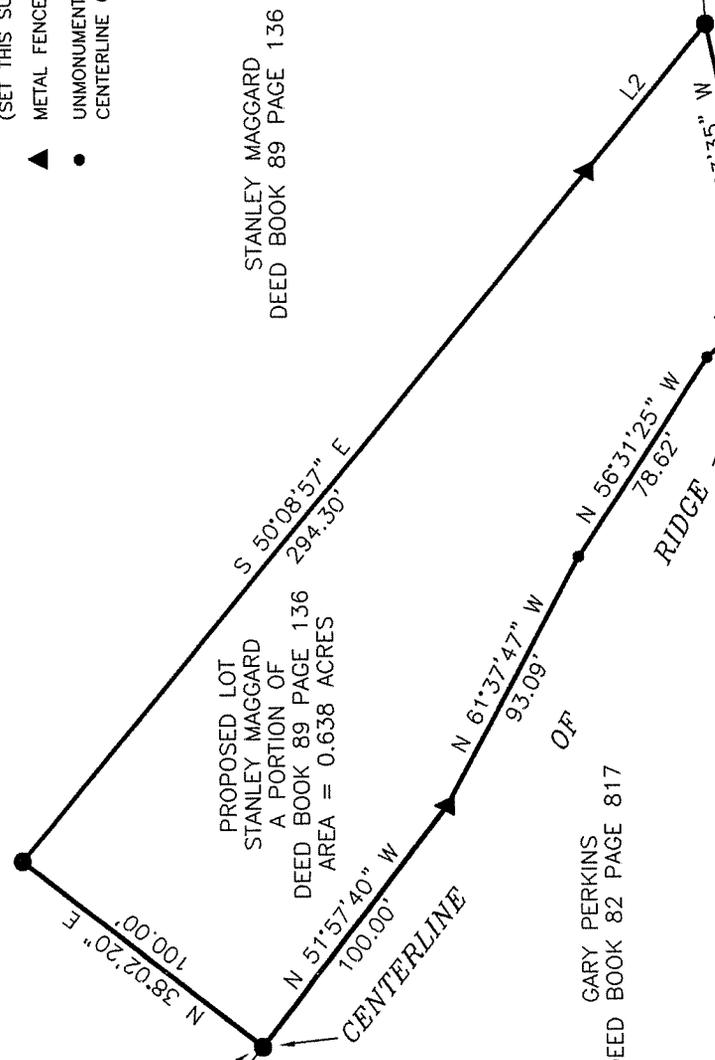
- LEGEND**
- BOUNDARY LINE (THIS SURVEY)
  - - - APPROXIMATE ADJOINING BOUNDARY LINE
  - 1/2" REBAR WITH ALUMINUM CAP STAMPED "CURD SURVEYING & ENG. INC. LS 2766" (SET THIS SURVEY)
  - ▲ METAL FENCE POST (FOUND THIS SURVEY)
  - UNMONUMENTED PROPERTY CORNER IN CENTERLINE OF RIDGE



1 INCH = 50 FEET  
 PARCEL OWNER'S ADDRESS:  
 STANLEY MAGGARD  
 ROUTE 1 BOX 544J  
 SANDY HOOK, KY. 41171



REFERENCE CALL FROM  
 USGS BRONZE DISC  
 STAMPED "LOCUST 1949"  
 (FOUND THIS SURVEY)  
 TO POINT OF BEGINNING  
 S 31°17'16" E 410.61'



STANLEY MAGGARD  
 DEED BOOK 89 PAGE 136  
 AREA = 0.638 ACRES

GARY PERKINS  
 DEED BOOK 82 PAGE 817

LINE	BEARING	DISTANCE
L1	N 41°45'46" W	27.04'
L2	S 50°10'10" E	62.78'



**SURVEYOR'S CERTIFICATION**

I CERTIFY THAT THIS PLAT DEPICTS A SURVEY CONDUCTED DECEMBER, 2003 TO JANUARY, 2004, UNDER MY DIRECTION USING THE METHOD OF RANDOM TRAVERSE. THE UNADJUSTED ERROR OF CLOSURE IS 0.05' WITH A PRECISION OF 1 IN 15,000. THE UNADJUSTED ERROR OF CLOSURE IS 0.05' WITH A PRECISION OF 1 IN 15,000. THE BEARINGS AND DISTANCES OF THE TRAVERSE HAVE NOT BEEN ADJUSTED FOR CLOSURE. THIS PLAT OF SURVEY REPRESENTS A CLASS "B" SURVEY. SURVEYING IN AND MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR PUBLIC OR PRIVATE KENTUCKY. THE SURVEY IS THE MINIMUM STANDARDS FOR PUBLIC OR PRIVATE KENTUCKY. THE BEARINGS ARE BASED ON A MAGNETIC READING TAKEN AT THE SITE ON DECEMBER 2, 2003. ALL DEED BOOKS AND PAGE SHOWN ARE OF RECORD IN THE ELLIOTT COUNTY CLERK'S OFFICE, ELLIOTT CO., KY.

JOE CURD, JR. L.S. 2766  
 DATE 1/29/04